

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Diana Monopoli, Deputy Clerk.

F047575 Lori H. v. The Superior Court of Stanislaus County; Stanislaus Co. Community Services Agency

Cause called and argued by Lori Hall, petitioner in propria persona. Linda Macy, Deputy County Counsel, counsel for real party waived oral argument.

Cause ordered submitted.

The court adjourns.

F046293 People v. Estrada

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F046293 People v. Estrada

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046003 People v. Smith

The above-entitled case is submitted for decision.

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F046003 People v. Smith

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047171 In re A. S., a Minor; Kings County Human Services Agency v. Lynn S.

Counsel having failed to request oral argument in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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F047171 In re A.S., a Minor; Kings County Human Services Agency v. Lynn S.
The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047259 Samantha H. v. Kern Co. Dept. of Human Services
The petition is denied. The opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045318 Bank of America, N.A. v. La Jolla Group II et al.
The judgment is affirmed. Costs are awarded to respondent.
Wiseman, J.

We concur: Ardaiz, P.J.; Dawson, J.

[CERTIFIED FOR PUBLICATION]

F043439 People v. Shupp
The sentence is vacated and the case remanded for resentencing. In the proceedings on remand, the court may not rely on evidence outside the records of defendant's prior convictions in determining whether defendant personally used a weapon or inflicted great bodily injury. Wiseman, Acting P.J.

We concur: Cornell, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047391 In re Sherry Lynn Lackey on Habeas Corpus
Let a writ of habeas corpus issue remanding the matter back to the trial court for resentencing. Within five days from the date of the filing of this opinion, the Madera County Superior Court is directed to either hold a resentencing hearing, order petitioner's release pending resentencing, or submit a declaration to this court explaining why the court is unable to comply with this directive. In light of the concession by the Attorney General, and the possibility that petitioner is entitled to immediate release, this opinion is final upon filing. (Cal. Rules of Court, rule 24.)

By the Court.

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F045905 Queen-Person v. Valley Financial Health Care Network, Inc.

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F045905 Queen-Person v. Valley Financial Health Care Network, Inc.

The judgment (order of dismissal) is affirmed. Respondent is awarded its costs on appeal.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046460 People v. Brooks, Sr.

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F046460 People v. Brooks, Sr.

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044406 People v. Hughes

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.